IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5430 OF 2004

Tukaram Govindrao Marathe ...Applicant

Versus

State of Maharashtra ...Respondent

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Mr.Anilkumar K.Patil for Applicant.

Mr.R.Y.Mirza, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 8, 2004.

P.C.

1. Heard Counsel for the parties. It is brought to my notice that in case of co-accused, prayer for anticipatory bail was rejected, but limited protection was granted to enable those accused to move for regular bail before the appropriate Court.

2. Counsel for the Applicant submits that the Applicant apprehends that if the Court below does

not decide the regular bail application on the same day, the Applicant will suffer serious prejudice, as he would be placed under suspension because of the service rules and he is at the fag end of his career with unblemished record.

3. In the peculiar facts of the present case, the appropriate course, to my mind, is to dispose of this Application by extending limited protection to the Applicant to enable the Applicant to prefer regular bail application before the appropriate Court, which, in turn, shall decide the Application on the date when it is presented.

4. The Applicant shall surrender before the appropriate Court while making the Application for regular bail on or before 14th December 2004 and give advance notice to the Investigating Officer. In case, the Court below is not in a position to dispose of the regular bail application on the same day, it may grant appropriate order in favour of the Applicant, if so advised, keeping in mind that the Applicant would suffer serious prejudice because of detaining him on account of the service

rules. Ordered accordingly.

5. The Respondents assure that they will contest the Application on merits on the same day, when it is presented, without asking for any adjournment.

6. Application disposed of on the above terms.

A.M.KHANWILKAR, J.